

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 7, 1992

Mr. Leigh Pegues
Director, Department of Environmental Services
1751 Congressman W.L. Dickinson Drive
Montgomery, AL 36130

Dear Mr. Pegues:

EPA has been receiving numerous inquiries concerning the management of used fluorescent lamps. As you know, EPA has been promoting the use of energy efficient lighting through its Green Lights initiative. Green Lights is a prominent part of EPA's overall goal of pollution, prevention. However, recent data indicate that used fluorescent lamps often test hazardous under the federal hazardous waste identification criteria. Specifically, results of the Toxicity Characteristic Leaching Procedure appear to exceed the regulatory limit for mercury. Naturally, this has caused considerable concern to those who are responsible for the management of used lamp wastes.

The purpose of this letter is to explain to you the steps the U.S. Environmental Protection Agency is taking to address a situation that is causing much confusion and frustration to users of lighting products.

First, we are routinely referring questions concerning the federal regulatory requirements for managing lamp wastes to the RCRA Hotline. We believe we have an obligation to accurately inform waste generators and the public of the legal requirements to which they are potentially subject. It has come to our attention, for example, that many generators are unaware that fluorescent lamps are not yet covered by the land disposal restrictions program.

Second, we have met with representatives of the lighting industry to discuss both the current regulatory situation and alternative approaches that would also provide for safe management of lighting wastes. As a result of these discussions and our own analyses, we have reached the preliminary conclusion that lamps can generally be managed safely without keeping them under the umbrella of hazardous waste regulation. At the same time, we are concerned about the risks to human health and the environment from mercury emissions from municipal waste combustors, as well as other sources of atmospheric emissions. Although technologically feasible, recycling of lamp wastes may bring with it hidden factors which could compound the costs involved.

Third, we are accelerating our review of the regulatory levels for metals in the Toxicity Characteristic (TC). Evidence from municipal landfills indicates that the regulatory

levels for mercury may need to be revised. The need for such revisions was mentioned in the March 29, 1990 preamble to the TC rule (55 FR 11798). However, revision of the TC is still expected to take some time. As an interim step, we are considering whether to specifically exempt properly managed fluorescent lamps from the federal hazardous waste regulations. However, the form such an exemption might take and whether or not it is proposed or adopted is uncertain.

EPA is aware that exempting used fluorescent lamps would move the federal hazardous waste program in a direction which is different from that in which some States are moving. Therefore, before putting forth any such proposal, EPA would like to discuss this issue with the States. Elizabeth (LaPointe) Cannon of the Office of Solid Waste will work with ASTSWMO to arrange this discussion early next year. If you have any questions before then, Liz can be reached at (202)260-4637.

In the meantime, EPA will continue to promote the environmental and economic advantages of energy efficient lighting. We believe there is a clear net environmental benefit from energy efficient lighting even when lamp disposal is taken into account. Mercury emissions are reduced through reduced power plant emissions when inefficient lighting is replaced with efficient lighting. The advantages of energy efficient lighting are clear and, we believe compelling, regardless of the regulatory status of lamp wastes, whether at the federal or State levels.

EPA has also raised the fact that source reduction of mercury in the manufacture of fluorescent lamps should be the preferred approach to addressing the issue of mercury in lamp waste. We have discussed this with European lamp manufacturers who note the clear potential to use significantly less mercury in the manufacture of fluorescent lamps. We look forward to pursuing this approach with the industry and the States and to further the national commitment to achieve pollution prevention.

Sincerely yours,

Don R. Clay
Assistant Administrator
for Solid Waste and
Emergency Response

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for Air and Radiation

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